

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BRADLEY THOMAS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>1: 2006-CV-165-MEF-DRB</b>
	)	
<b>NCB MANAGEMENT SERVICES, INC.,</b>	)	
<b>JOHN HARDING, an Individual.</b>	)	
	)	
<b>Defendant.</b>	)	

**REPORT TO COURT OF FACE TO FACE SETTLEMENT CONFERENCE**

Comes now, undersigned legal counsel for Plaintiff and pursuant to this court's scheduling order, and this court's order of April 17, 2007, provides this notice of a face to face settlement conference in this matter and further response to the Court.

Counsel for the Plaintiff states as follows:

1. Legal counsel for Plaintiff, Gerald A. Templeton and legal counsel for Defendants, Jeff Luther met in person at the conclusion of the depositions of the Plaintiff's on February 8, 2007 at a borrowed conference room in Dothan Alabama. Part of the discussion was on settlement of the claims in the above-styled matter. Discussion also included the prior offer of judgments in the file by Defendants. No settlement was reached.

2. After relevant discussions, Plaintiff's counsel felt that until the completion of the Defendant's depositions that no realistic value could be placed on the settlement of the claims. New information was obtained at the depositions as to the acts taken against the Plaintiffs. Since that time, counsel for the parties have engaged in an effort to schedule the depositions of the Defendants in Pennsylvania at their home office. In March of 2007, Plaintiff's counsel noticed a site visit at the Defendants offices for April 23, 2007 and Depositions for Defendants for April 24, 2007. However, the dates were cancelled by Defendants due to scheduling conflicts and an ongoing discussion on the site visit. Deposition dates for Defendants are expected sometime in May of 2007.
3. It is unknown to Plaintiff's counsel whether mediation will help to resolve the claims. It may possibly be of assistance after the depositions of the Defendants in Pennsylvania.
4. Undersigned Plaintiff's counsel telephoned Defense counsel last week to attempt to talk about this matter and in regard to this report to the court.
5. Plaintiff's counsel is uncertain to what knowledge the Court is referring to regarding the "parties failure to hold a face to face settlement conference" in the first sentence of its order of April 17, 2007. Defense Counsel is in Mobile. Plaintiffs' counsels are in Birmingham and Dothan. An attorney for the each party met in Dothan in February of 2007. Settlement was discussed face to face. Other conversations on settlement have occurred, as Defendant's have filed Offers of Judgment in this matter.

6. Undersigned Plaintiff's counsel missed the filing of the report as he was on vacation for Spring Break with his family. It was also delayed in a failed attempt to get Defense counsel on the telephone and discuss the deposition dates, mediation and the contents of the report.
7. However, upon receipt of this Court's order, the filing of this report was accomplished upon my return to the office.
8. Undersigned Plaintiff's counsel apologizes to the court for his failure to timely file this report. It is solely my fault.

Respectfully Submitted,

/s/ Gerald A. Templeton, Esq.  
**Gerald A. Templeton, Esq.**  
An Attorney for Plaintiff

**OF COUNSEL:**  
**THE TEMPLETON GROUP, P.C.**  
1000 Providence Park  
Suite 200  
Birmingham, Alabama 35242  
(205) 980 8828 phone  
(205) 980 8848 Facsimile  
[jerry@ttgpc.com](mailto:jerry@ttgpc.com) email

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of April 2007, I served by Electronic Transmission, a true and correct copy of the foregoing document to the following parties:

**Jeffery L. Luther, Esq.** (LUTHJ0532)

**Daniel T. Stabler, Esq.**

Attorneys for NCB Management Services.

PO Box 1003

Mobile, AL 36633

(251) 433 8088

(251) 433 8011

**David G. Poston** (POS007)

Brock and Stout

PO Drawer 311167

Enterprise, AL 36331-1167

(334) 671 5555

(334) 671 2689 Fax

/s/ Gerald A. Templeton, Esq.  
OF COUNSEL